IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16265 of 2004

Between:

K.Naganna, S/o Bheemanna,
Pesaladinne, Kurnool District

..... PETITIONER

AND

1 A.P.State Road Transport Corporation,

rep.by its Vice-Chairman and Managing Director,
Musheerabad, Hyderabad
2 The Depot Manager,

APSRTC Pattikonda Depot,

Kurnool District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or directions more in the nature of Writ of Mandamus directing the respondents herein to provide any alternative employment to the petitioner by protecting pay and all benefits in the post of Driver with salaries and arrears w.e.f.29-1-2003.

Counsel for the Petitioner: Mr. P.GOVINDA RAJULU

Counsel for the Respondents: Mr. P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the admission stage made the following ORDER :

The petitioner worked as a Driver in the respondent-Corporation and his services were regularized with effect from 01-08-1995. He was removed from service through the proceedings dated 22-11-2002 on the allegation of unauthorized absence. He preferred an appeal before the Divisional Manager, Kurnool and it was allowed by order dated 09-01-2003 directing reinstatement of the petitioner and he was reinstated on 29-01-2003. Subsequently, on 31-01-2003, the petitioner was directed to attend for a medical test before the Medical Officer, Kurnool and the Medical Officer after examining the petitioner declared him unfit for the post of Driver and the same was confirmed by the Chief Medical Officer and the Medical Board through the proceedings dated 13-02-2003 and 10-06-2003 respectively. The grievance of the petitioner is that the petitioner was not paid salary with effect from 29-01-2003. The petitioner further contends that under Section 47 and 2 (i) of the persons with disabilities (equal opportunities, protection of Rights and full participation) Act, 1995 (for short 'the Act') he is entitled for alternative employment. He made an application to the 2nd respondent on 29-01-2003 and another application on 03-09-2003 for providing him an alternative employment. Since the respondents did not pass any order, he approached this Court seeking a direction to the respondents to pass appropriate orders on his representations for providing alternative employment under Section 47 and 2 (i) of the Act.

In the light of the submissions made by the petitioner, the respondents are directed to pass appropriate orders on the representations of the petitioner dated 29-01-2003 and 03-09-2003 regarding his request for providing alternative employment under Section 47 and 2(i) of the Act, within two months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of.

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(Dr. G.YETHIRAJULU,J)

27th October, 2004.

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To

1. The Vice Chairman and Managing Director,

A.P.State Road Transport Corporation,

Musheerabad,

Hyderabad.

2. The Depot Manager,

APSRTC., Pattikonda Depot,

Kurnool District.

3. Two CD Copies.